

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6860

Petitions of Vermont Electric Power Company, Inc.)
(VELCO) and Green Mountain Power Corporation)
(GMP) for a certificate of public good, pursuant to 30)
V.S.A. Section 248, authorizing VELCO to construct)
the so-called Northwest Vermont Reliability Project,)
said project to include: (1) upgrades at 12 existing)
VELCO and GMP substations located in Charlotte,)
Essex, Hartford, New Haven, North Ferrisburgh,)
Poultney, Shelburne, South Burlington, Vergennes,)
West Rutland, Williamstown, and Williston,)
Vermont; (2) the construction of a new 345 kV)
transmission line from West Rutland to New Haven;)
(3) the reconstruction of a portion of a 34.5 kV and 46)
kV transmission line from New Haven to South)
Burlington; and (4) the reconductoring of a 115 kV)
transmission line from Williamstown to Barre,)
Vermont –)

Order entered: 5/9/2006

ORDER RE: APPROVAL OF BLISSVILLE SUBSTATION PLANS

On January 28, 2005, the Vermont Public Service Board ("Board") issued an Order and Certificate of Public Good ("CPG") approving, with modifications and conditions, the Northwest Reliability Project proposed by Vermont Electric Power Company, Inc. ("VELCO") and Green Mountain Power Corporation ("GMP"). A condition of the January 28 Order and CPG stated:

Petitioners shall file, for the Board's approval, final construction plans for the 345 kV line, 115 kV line, and the substation upgrades, concurrent with plans for aesthetic and environmental mitigation, as required by the post-certification process described in the Order. Petitioners may commence construction only after receiving approval for such plans, and receipt of all necessary permits.

In today's Order, the Board approves the final construction and clearing plans for the Blissville substation. Therefore, as the January 28 Order provides, VELCO may commence

construction of the Blissville substation if it has received all necessary permits, and subject to the additional conditions set forth herein.

Construction and Clearing Plans

On March 6, 2006, VELCO filed with the Board the Blissville substation general arrangement drawings and one-line diagram. These plans did not include a clearing plan, as VELCO did not anticipate much clearing to be necessary. On March 23, 2006, the Vermont Department of Public Service ("Department") filed a letter stating that it has no objection to the plans. On April 10, 2006, the Department informed the Board that VELCO notified the Department that the clearing for the Blissville substation will be greater than originally anticipated, and on April 14, 2006, the Board issued a memorandum requiring VELCO to file a clearing plan for the Blissville substation.

On April 14, 2006, VELCO filed the "Blissville Substation Tree Clearing Plan." On April 21, 2006, the Department filed a letter stating that the proposed clearing is unlikely to pose aesthetic issues. (The Department stated that its review of the clearing plan was limited to aesthetic issues.) On April 24, 2006, the Vermont Agency of Natural Resources ("ANR" or the "Agency") provided the following comments on the clearing plan:

The submitted plans appear to depict a concrete block wall on the substation's northeast corner being built right on the shore of the nearby pond with no vegetated, riparian buffer. The Agency's December 2005 *Guidance for Agency Act 250 and Section 248 Comments Regarding Riparian Buffers* generally recommends a 100-foot undisturbed, naturally-vegetated buffer, measured from mean water level, for projects on lakes and ponds. The Agency recognizes that there does not appear to be 100 feet between the edge of the substation and the mean water level, but recommends that all practicable steps be taken to minimize clearing in this area and, if possible reduce the substation's expansion to the west.

On April 26, 2006, the Board requested that VELCO and ANR clarify whether: (1) the "existing pond" shown on the clearing plan is a Class II wetland; (2) the proposed construction shown on the clearing plan in the vicinity of the existing pond is consistent with what was approved by ANR in its issuance of a Conditional Use Determination and Construction General Permit (or approval of the erosion prevention and sedimentation control plan for this area); and (3) any known practicable steps exist to minimize the impact to the wetland.

On April 28, 2006, on behalf of VELCO and ANR, VELCO filed a letter which stated that the "existing pond" shown on the clearing plan is a Class II wetland, and that the proposed construction shown on the clearing plan in the vicinity of the existing pond is consistent with the approvals received from ANR. The letter further stated that ANR has requested, and VELCO has agreed, to cut selectively when clearing vegetation and to limit ground disturbance in the area between the substation and the surface water to the degree practicable. VELCO and ANR staff have agreed to schedule a post-construction site visit at the Blissville substation to determine whether supplemental buffer plantings are warranted, and if so, VELCO has agreed to plant suitable species in consultation with ANR.

A site visit to the Blissville substation was held on May 8, 2006, to view the proposed expansion of the substation with regard to the proximity and/or encroachment upon a Class II wetland. In attendance were Board Member John Burke, representatives from ANR and VELCO, and some of VELCO's expert environmental witnesses. At the site visit, VELCO represented that, due to recent beaver activity, the water level of the Class II wetland is currently approximately one foot higher than when VELCO conducted the initial environmental investigation for the Blissville substation. As a result of this rise in water level, the edge of water is closer to the proposed expansion than originally proposed. VELCO represented that beaver baffles would be employed to lower the water level by approximately the one additional foot that the recent beaver activity raised it. ANR stated that it was satisfied that this measure, in conjunction with the post-construction site visit, would address its above-quoted concern.

Permits and Approvals

On April 20, 2005, VELCO filed a schedule for post-CPG NRP design, permit, and mitigation filings. That schedule indicated that the following permits or approvals were to be obtained from entities other than the Board for the Blissville substation: Erosion Prevention & Sedimentation Control Plan ("EPSCP"), Conditional Use Determination, and Army Corps of Engineers permit. On December 23, 2005, VELCO filed with the Board an Army Corps of Engineers permit and a Conditional Use Determination for the NRP, including the Blissville substation. On November 11, 2005, VELCO filed the EPSCP approved by ANR, and on March 31, 2006, VELCO filed a winter EPSCP approved by ANR.

VELCO has now filed with the Board and the parties all permits it identified as necessary for the Blissville substation in its April 20, 2005, filing. None of the permits appear to require any changes to the design of the Blissville substation. No comments on any of VELCO's permit filings for the Blissville substation were received within the period established by the Board.

Pre- and Post-Construction Noise Studies

A condition of the January 28 Order and CPG required that: "Petitioners shall conduct pre- and post-construction noise measurements at all substations and file the results with the Board and affected parties." VELCO has previously filed a pre-construction noise study for the Blissville substation. VELCO's April 20, 2005, filing specifies that a post-construction noise study for the Blissville substation will be conducted during the fourth quarter of 2006.

Conclusion

Based upon the above, VELCO's construction and clearing plans filed with the Board on March 6, 2006, and April 14, 2006, respectively, are approved. VELCO may begin site preparation for and construction of the Blissville substation, in accordance with the approved plans and subject to the following conditions:

1. Prior to commencement of site preparation for and construction of the Blissville substation, VELCO shall inform the Board only if any of the following are applicable:
 - a. Any of the permits addressed in this Order require any changes to the design of the Blissville substation.
 - b. Any additional permits or approvals, other than those addressed in this Order, are required for the Blissville substation.

If neither 1.a. nor 1.b. are applicable, VELCO may begin site preparation for and construction of the Blissville substation without any further notification to the Board.

2. Within 30 days of the completion of construction, VELCO and ANR staff shall hold a post-construction site visit at the Blissville substation to determine whether supplemental buffer plantings are warranted. Within 30 days of the post-construction site visit between VELCO and ANR, VELCO shall inform the Board of the results of such. ANR (and any other party) shall

have two weeks to comment on VELCO's filing. Based upon these filings, the Board may schedule a Board site visit or require additional plantings, if determined to be necessary.

3. Within 30 days of the completion of construction of the Blissville substation, including all landscaping, aesthetic mitigation, and any supplemental buffer plantings, VELCO shall file a plan, to be approved by the Board, for conducting a post-construction noise study at the Blissville substation.

SO ORDERED.

Dated at Montpelier, Vermont, this 9th day of May, 2006.

_____)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: May 9, 2006

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)